

25832. Adulteration and misbranding of Novol Anestubes. U. S. v. 4 Boxes of Novol Anestubes, and other libel proceedings against the same article. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 36119, 36120, 36122, 36123, 36124. Sample nos. 31041-B, 31042-B, 31044-B, 31045-B, 31046-B.)

These cases involved Novol Anestubes (procaine epinephrine solution) which contained smaller amounts of procaine than declared on the label.

On August 12 and 13, 1935, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 14 boxes of Novol Anestubes No. 1, 10 boxes of Novol Anestubes No. 2, and 4 boxes of Novol Anestubes No. 3 at Scranton, Pa., alleging that the articles had been shipped in interstate commerce, between the dates of August 3, 1934, and July 5, 1935, by the Novocol Chemical Manufacturing Co., from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The libels alleged that the articles were adulterated in that their strength fell below the standard and quality under which they were sold, viz, (portion) "Each cc contains procaine 0.02 gram"; (remainder) "Each cc contains procaine (Novol) 0.02 gram", a sample taken from each of the five shipments having been found to contain 1.81, 1.68, 1.89, 1.67, and 1.37 grams of procaine hydrochloride, respectively, per 100 cubic centimeters.

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Carton of portion, top) "Each Anestube Approximately 2.5 cc Each cc contains (Novol) 0.02 gm.", (end) "2.5 cc", (circular of said portion) "Each cc contains—Procaine 0.02 gram"; (carton of remainder, top) "Each Anestube approximately 2 cc Each cc contains Procaine (Novol) 0.02 gm", (end) "2 cc", (circular) "Each cc contains Procaine 0.02 gram."

On March 16, 1936, the Novocol Chemical Manufacturing Co., claimant, having by petition and order of the court withdrawn its answers theretofore filed, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25833. Misbranding of Congoin. U. S. v. 696 Packages, et al., of Congoin. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 36134, 36135, 36136. Sample nos. 15559-B, 15560-B, 32082-B, 32083-B, 32084-B.)

The labeling of this article bore false and fraudulent curative and therapeutic claims. The labeling of the 10-cent packages also contained misrepresentations as to its ingredients.

On August 16, 1935, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2,463 12-ounce packages, 2,759 6-ounce packages, 5,183 3-ounce packages, and 1,376 dozen 10-cent packages of Congoin at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 19 and 20, 1935, by the Congoin Co., from Los Angeles, Calif., to Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Examination of the article showed that it consisted of the leaves of yerba maté, a caffeine-bearing plant.

Misbranding of the article in the 10-cent packages was charged in that the following statements on the envelope and in a circular within the envelope were false and misleading: (Envelope) "Congoin contains virtually all of the necessary organic minerals including calcium, phosphorus, sulphur, iron, magnesium, silica, and the others; it is also rich in chlorophyl and other important elements"; (circular) "It contains an infinitesimal amount of tannin when compared with tea; has less than one-fourtieth the essential oil found in coffee; green and black tea containing over 500 times as much essential oil as does Congoin. Congoin is rich in chlorophyl (the aid to red blood building) and analyses show it contains most of the essential minerals so heartily endorsed by modern medical science. * * * virtually every one of the necessary Organic minerals, including Calcium, Phosphorus, Sulphur, Magnesium, Manganese, Potassium, Iron, Sodium, Silica, Copper and the other rarer minerals are found in this palatable beverage."

Misbranding was charged with respect to the product in packages of all sizes for the reason that certain statements appearing on the envelopes and cartons in circulars shipped with the article falsely and fraudulently repre-